

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 29, 1999**

DIVISION ONE

B125877      Countrywide Home Loans, Inc.                      (Certified for Publication)  
                         v.  
                         Superior Court, Los Angeles County  
                         (HP Lemona II et al., r.p.i.)

Let a peremptory writ of mandate issue, commanding respondent court to vacate its August 28, 1998 order to the extent that the order sustained the demurrers of real parties in interest on the ground of misjoinder of parties and to enter a new and different order overruling the demurrers on that ground. Countrywide Home Loans, Inc., is entitled to costs in connection with this proceeding.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                         Vogel (Miriam A.), J.

B106307      People    (Not for Publication)  
                         v.  
                         David Fitts

The judgment is modified by striking the three-year great bodily injury enhancement to count 4 and by staying the eight-month and four-month terms imposed in count 2 for the attempted robbery and the attendant arming enhancement against victim Dimmitt. The court is directed to prepare an amended abstract of judgment reflecting these changes. As modified, the judgment is affirmed.

Masterson, J.

We concur:    Ortega, Acting P.J.  
                         Vogel (Miriam A.), J.

## January 29, 1999-Continued

## DIVISION ONE (Continued)

B123682 People (Not for Publication)  
v.  
Carlos H.

The order declaring wardship is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Ortega, J.

B121424 People (Not for Publication)  
v.  
Vanessa D.

The order declaring wardship is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B116881      Arthur Tinoco et al.      (Not for Publication)  
v.  
American Honda Motor Co., Inc., et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

## January 29, 1999-Continued

## DIVISION ONE (Continued)

B098822      People      (Not for Publication)  
v.  
James Evans

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B120342      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
David L. III

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B120109      People      (Not for Publication)  
v.  
Breon Maurice Jordan

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

## January 29, 1999-Continued

## DIVISION ONE (Continued)

B107100 People (Not for Publication)

V.

# Jesse James Satterfield

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B117234 People (Not for Publication)

V.

Johnny Isabel

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B121167 People (Not for Publication)

V.

Matthew Allen Cardoza

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

## January 29, 1999-Continued

## DIVISION ONE (Continued)

B123386 People (Not for Publication)  
v.  
Joshua Shabazz

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B125268      Gerbe      (Not for Publication)  
v.  
Plasma Technology Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B115049      Faoro      (Not for Publication)  
v.  
Perez et al.

The summary judgment in Case No. B115049 is affirmed. The appeal in Case No. B111129 is deemed moot and the appeal therefore is dismissed.

Spencer, P.J.

I concur: Masterson, J.  
I concur in the result only: Ortega, J.

DIVISION ONE (Continued)

B117817      Alvarez      (Not for Publication)

v.

Gramercy Escrow Corp.

The appeal is dismissed.

Spencer, P.J.

We concur: Ortega, J.

Dunn, J. (Assigned)

B107333      Levy      (Not for Publication)

v.

American Honda Motor Company

The judgment and orders are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Masterson, J.

B115740      Hall      (Not for Publication)

v.

Hillcrest Country Club

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Masterson, J.

## January 29, 1999-Continued

## DIVISION ONE (Continued)

B117002      Agopian      (Not for Publication)  
v.  
Tashjian

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

## DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B118760      Lewis  
v.  
Ballys Holiday Health Spa

Merits:  
Argued by Steven Zelig for appellant and by Peter Fiske for respondent.  
Cause submitted.

B123478      People  
v.  
Martin

Merits:  
Argued by Mark Harvis for appellant and by Joseph Sorentino, Deputy District Attorney for respondent. Cause submitted.

DIVISION TWO (Continued)

B107706 McDonald  
v.  
So. Pacific Trans. Co.

Merits:  
Argued by Jerry Ramsey for appellant and by Benjamin Shatz for respondent. Cause submitted.

B109992 Buford  
v.  
Cazares

Merits:  
Argued by John Buzas for appellant and there being no appearance by respondent pursuant to Rule 17(b), Cal. Rules of Court. Cause Submitted.

B119921 Flame Fighters Inc.  
v.  
JMCN Inc.

Merits:  
Argued by Ralph Greer for appellant and by Leo Presiado for respondent. Cause submitted.

B116872 Nelson  
v.  
Morrison

Merits:  
Argued by Guy Sanders for appellant and by David Prager for respondent. Cause submitted.

B118835 Raznick  
v.  
Dromoland Castle Owners

Merits:  
Argued by Michael Wilk for appellant and by Michael Walsh for respondent. Cause submitted.



DIVISION TWO (Continued)

B119052     People  
              v.  
              Augustus

Merits:  
Argued by Sheila Keiter for appellant and by Ronald Jakob for respondent.  
Cause submitted.

B118079     Markel  
              v.  
              City of L.A.

Merits:  
Argued by Matthew Biren for appellant and by Gregory Orland for  
respondent. Cause submitted.

B123195     Tobin  
              v.  
              MCA Records

Merits:  
Argued by Neville Johnson for appellant and by Glenn Pomerantz for  
respondent. Cause submitted.

Presiding Justice Boren leaves the bench.

B118371     Zinke  
              v.  
              McAlpin  
              (Doonan, r.p.i.)

Merits:  
Argued by Fabio Cabezas for appellant and by Paul Mahoney and Daniel  
Doonan for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B116425      Moore      (Certified for Publication)  
v.  
Liu

The order denying Moore's motion for attorney's fees is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. Costs on appeal to Moore.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B113132 Harris (Not for Publication)  
v.  
Scottsdale Insurance Company

The judgment is affirmed. Scottsdale shall recover its costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B121554      Honsickle, et al.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Wysocki, et al., r.p.i.)

The alternative writ, having served its purpose, is discharged. Let a peremptory writ of mandate issue directing the trial court to (1) vacate its order of March 19, 1998, granting the motion for summary adjudication, (2) enter a new and different order denying the same, and (3) conduct further proceedings in this matter in a manner not inconsistent with the views expressed herein. Petitioners shall recover their costs incurred in this writ proceeding.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## January 29, 1999-Continued

### DIVISION THREE (Continued)

B113311      Jackson      (Certified for Publication)  
v.  
City of Los Angeles et al.

The judgment is affirmed. The City shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B119311 People (Not for Publication)  
v.  
Mizrahi

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.